

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

Leonard Green  
Clerk

100 EAST FIFTH STREET, ROOM 540  
POTTER STEWART U.S. COURTHOUSE  
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000  
[www.ca6.uscourts.gov](http://www.ca6.uscourts.gov)

Filed: March 14, 2012

Mr. F. William Brownell  
Hunton & Williams  
2200 Pennsylvania Avenue, N.W.  
Washington, DC 20037

Re: Case No. 11-2328, *USA v. DTE Energy, et al*  
Originating Case No. : 10-13101

Dear Counsel,

Your motion to extend the filing of your brief has been **GRANTED**. The briefing schedule for this case has been reset and the briefs listed below must be filed electronically with the Clerk's office no later than these dates. Counsel are strongly encouraged to read the latest version of the Sixth Circuit Rules at [www.ca6.uscourts.gov](http://www.ca6.uscourts.gov), in particular Rules 28 and 30.

Appellee's Brief  
Appendix (if required by 6th Cir.  
R. 30(a)) and (c)(2))

Filed electronically by **May 1, 2012**

Appellant's Reply Brief  
(Optional Brief)

Filed electronically **17 days after**  
the appellee's brief. See Fed. R. App. P. 26(c)

A party desiring oral argument must include a statement in the brief setting forth the reason(s) why oral argument should be heard. See 6th Cir. R. 34(a). If the docket entry for your brief indicates that you have requested oral argument but the statement itself is missing, you will be directed to file a corrected brief.

In scheduling appeals for oral argument, the court will do what it can to avoid any dates which counsel have called to its attention as presenting a conflict. If you have any such dates, you should address a letter to the Clerk advising of the conflicted dates.

Sincerely yours,

s/Roy G. Ford

Case Manager  
Direct Dial No. 513-564-7016

cc: Mr. Thomas A. Benson  
Mr. Mark B. Bierbower  
Ms. Holly D. Bressett  
Mr. Makram Bassam Jaber  
Mr. Harry Margerum Johnson III  
Ms. Jessie J. Rossman  
Mr. Sambhav N. Sankar  
Mr. George Peter Sibley III  
Mr. Michael J. Solo Jr.

Enclosure

### CHECKLIST FOR BRIEFS

#### ECF FUNDAMENTALS:

- \_\_\_ Briefs filed ECF unless filer is pro se or attorney with a waiver for ECF filings
- \_\_\_ PDF format required
- \_\_\_ Native PDF format strongly preferred
- \_\_\_ In consolidated cases (excluding cross-appeals), appellants should un-check the case number(s) that is/are not their case. The appellant's brief should appear only on the docket of his/her specific appeal.
- \_\_\_ Title of brief (example "Appellant's Brief")
- \_\_\_ Name(s) and address(es) of counsel filing the brief

#### COVER OF BRIEF (Fed. R. App. P. 32(a)(2)):

- \_\_\_ Sixth Circuit case number
- \_\_\_ Heading: "United States Court of Appeals for the Sixth Circuit"
- \_\_\_ Title of case
- \_\_\_ Nature of proceeding and name of court, agency or board below
- \_\_\_ Title of brief (example "Appellant's Brief")
- \_\_\_ Name(s) and address(es) of counsel filing the brief

#### CONTENTS (Fed. R. App. P. 28, 6th Cir. R. 28):

- \_\_\_ Corporate Disclosure Form
- \_\_\_ Table of Contents
- \_\_\_ Table of Authorities with page references (with cases alphabetically arranged, statutes and other authorities)
- \_\_\_ **Statement in support of oral argument** (if there is no statement, argument is waived)
- \_\_\_ \*\*\*\*Page limitation, word or line count begins here. See Fed. R. App. P 32(a)(7)
- \_\_\_ Jurisdictional statement
- \_\_\_ Statement of issues
- \_\_\_ Statement of the case
- \_\_\_ Statement of facts **with references to record** (and appendix for any relevant pleadings not available ECF)

References to lower court, agency record or appendix if one is required must be clear. Abbreviations may be used such as R or RE for district court record entry number on docket or TR for transcript or AR for administrative record. **The word "Doc" or "DE" is not an acceptable description.** Examples:

RE #21, Appellant's Motion for Summary Judgment, pp. 2-5

RE #53, Plaintiff's Trial Testimony, p. 1

R. No. 44, Plea Agreement

R. No. 27, TR. Jury Trial 12/5/03, pp. 77 - 85

A.R. at pp. 190-191

RE. 33: Trial Tr. 8/30/04 at pp. 7, 89, 112-113

Summary of argument

Argument **with references to record and citations to case law, statutes and other authorities**

Standard of review (for each issue which may appear in discussion of each issue or under separate heading placed before discussion of issues)

Signed conclusion

Signature format is: s/(attorney's name)

Graphic or other electronic signatures discouraged

\*\*\*\*Page limitation, word or line count ends here.

Certificate of Compliance, if required by Fed. R. App. P. 32(a)(7)(C)

Dated Certificate of Service

**Designation of Relevant District Court Documents**

Other Addendum contents allowed by Fed. R. App. P. 28(f) or 6th Cir. R. 28.

Addendum may **not** contain any items from lower court record or appendix.

TYPEFACE AND LENGTH (See Fed. R. App. 32(a)(5) and (a)(7):

Typeface either proportionally-spaced font at 14 point (such as CG Times or Times New Roman) or monospaced font at 12 point (such as Courier New).

Times New Roman at 14 point    Courier New at 12 point

Length for principal briefs: 30 pages OR up to 14,000 words (proportional fonts) OR up to 1300 lines (monospaced font)

Length for reply brief: 15 pages OR up to 7,000 words (proportional fonts) OR up to 650 lines (monospaced font)

Briefs using the 14,000 word or 1300 line limits must include word or line count in certificate of compliance (see Fed. R. App. P. 32(a)(7)(C))

Headings, footnote and quotations count toward word or line limitations

For Death Penalty briefs, see 6th Cir. R. 22(c)(8)

- \_\_\_ For Cross-Appeals, see Fed. R. App. P. 28.1
- \_\_\_ For Amicus briefs, see Fed. R. App. P. 29 and 32

**MISCELLANEOUS:**

- \_\_\_ Personal information must be redacted from the brief - see Fed. R. App. P. 25(a)(5) for specifics. When filing a brief, the ECF system will require attorneys to verify that personal information has been redacted.
- \_\_\_ Footnotes must be same sized text as body of brief
- \_\_\_ Pages serially paginated
- \_\_\_ Text double-spaced
- \_\_\_ Margins: at least 1" on all four sides